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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
OF THE  
NORTHERN MARIANA ISLANDS

LIYA LIU,

Plaintiff,

vs.

XU LAN CORPORATION, GUI LAN XU,  
AND DOES 1-3,  
Defendants.

CASE NUMBER: 07-0032

PLAINTIFF'S REQUEST  
FOR  
ENTRY OF DEFAULT

Plaintiff asks the Clerk of the Court to enter a default against defendants Xu Lan Corporation and Gui Lan Xu, as authorized by Rule 55(a) of the Federal Rules of Civil Procedure.

**A. INTRODUCTION**

1. Plaintiff is Liya Liu; defendants are Xu Lan Corporation, Gui Lan Xu, and Does 1-3.
2. On September 27, 2007, plaintiff sued defendants for (a) FLSA Violation – Unpaid Overtime Compensation, (b) Violation of the MWHHA (4 CMC § 9211, et seq.) – Unpaid Overtime Compensation; and (c) Breach of Written Contract.
3. On September 28, 2007, defendants Xu Lan Corporation and Gui Lan Xu (the “Defendants”) were each served personally with a summons and a copy of plaintiff’s complaint.

1 Copies of the summons and return of service are attached as Exhibit "A." Defendants did not  
2 file any responsive pleading or otherwise defend the suit within the 20 days allowed.

3 4. As such, Plaintiff is entitled to entry of default.

4 **B. ARGUMENTS**

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6 5. The Clerk of the Court may enter a default against a party who has not filed a  
7 responsive pleading or otherwise defended the suit. FED. R. CIV. P. 55(a); *Hawaii Carpenters'*  
8 *Trust Funds v. Stone*, 794 F.2d 508, 512 (9<sup>th</sup> Cir. 1986).

9  
10 6. The Clerk should enter a default against Defendants because Defendants did not  
11 answer within 20 days after September 28, 2007, the date of service. FED. R. CIV. P. 12(a)(1)(A).

12 7. Plaintiff meets the procedural requirements for obtaining an entry of default from the  
13 Clerk as demonstrated by the declaration of Ramon K. Quichocho. See the Declaration of  
14 Ramon K. Quichocho in Support of Plaintiff's Request for Entry of Default, which is  
15 incorporated herein by reference.

16  
17 8. Because Defendants did not file a responsive pleading or otherwise defend the suit,  
18 Defendants are not entitled to notice of entry of default. FED. R. CIV. P. 55(a); *Hawaii*  
19 *Carpenters' Trust Funds v. Stone*, 794 F.2d at 512.

20 **C. CONCLUSION**

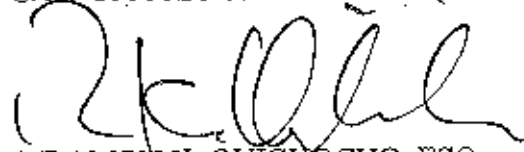
21 Defendants were served with a summons and a copy of plaintiff's complaint on  
22 September 28, 2007. Defendants answers were due on October 18, 2007, but failed to file a  
23 responsive pleading or otherwise defend the suit.

24  
25 This request for entry of default is supported by the Declaration of Ramon K. Quichocho  
26 in Support of Plaintiff's Request for Entry of Default.

1 For these reasons, plaintiff respectfully asks the Clerk to enter default against Defendants  
2 Xu Lan Corporation and Gui Lan Xu.

3 Respectfully submitted this 25th day of October, 2007.

4 LAW OFFICES OF RAMON K. QUICHOCHO, LLC

5 

6 /s/RAMON K. QUICHOCHO, ESQ.

7 CNMI Bar No. F0243

8 Attorney for Plaintiff  
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SDO 440

(Rev. 08/02) Summons in a Civil Action

# United States District Court

District of the Northern Mariana Islands

LIYA LIU,  
Plaintiff

V.

XU LAN CORPORATION,  
GUI LAN XU, AND  
DOES 1-3,  
Defendants.

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

07-0032

TO: (Name and address of Defendant)

XU LAN CORPORATION  
PMB 412 Box 10002  
Saipan, MP 96950

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Ramon K. Quichocho  
LAW OFFICES OF RAMON K. QUICHOCHO, LLC  
2nd Floor, V.S. Sablan Bldg, Chalan Piao  
P.O. Box 505621  
Saipan, MP 96950

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Galo L. Perez

CLERK

(By) DEPUTY CLERK

DATE

SEP 27 2007

EXHIBIT

A

AO 440

(Rev. 08/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>or</sup>	DATE <u>9/28/07</u>
NAME OF SERVER (PRINT) <u>Thomas K. Sablan</u>	TITLE
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>Pen. Quin Bar</u> <u>Garapan</u>	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____	
<input type="checkbox"/> Other (specify): _____	

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
\$5.00	\$20.00	\$25.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

9/28/07

Date

Signature of Server

P.O. Box 303219

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440

(Rev. 08/01) Summons in a Civil Action

# United States District Court

District of the Northern Mariana Islands

LIYA LIU,  
Plaintiff

V.

XU LAN CORPORATION,  
GUI LAN XU, AND  
DOES 1-3,  
Defendants.

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

07 - 0032

TO: (Name and address of Defendant)

GUI LAN XU  
PMB 412 Box 10002  
Saipan, MP 96950

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Ramon K. Quichocho  
LAW OFFICES OF RAMON K. QUICHOCHO, LLC  
2nd Floor, V.S. Sablan Bldg, Chalan Piao  
P.O. Box 505621  
Saipan, MP 96950

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Gale L. Perez

CLERK

(By) DEPUTY CLERK

DATE

SEP 27 2007

FD-400

(Rev. 08/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>9/28/07</u>	
NAME OF SERVER (PRINT) <u>Thomas K. Sablan</u>	TITLE	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>Pen. Quin Bar</u> <u>Garapan</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL <u>\$5.00</u>	SERVICES <u>\$20.00</u>	TOTAL <u>\$25.00</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>9/28/07</u> <u>Thomas K. Sablan</u>  Date Signature of Server</p> <p><u># P.O. Box 503219</u>  Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.